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ROSS G. WEAVER
OF COUNSEL

VIA FACSIMILE
Hon. Judge Allyn R. Ross
United States District Court
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

The application was previously
referred to Judge Gold. JSG 12/14/05
cc: Counsel for Plaintiff

Re: Access Van Lines, Inc. v. Underwriters at Lloyd's, London
Docket No.: 04 Civ 130 (ARR)(SMG)
Our File No.: P22480.R

Dear Judge Ross:

This office represents the defendants in the above matter. We take no position with regard to plaintiff's counsel's application to be relieved as counsel for the plaintiff. Defendants do object to any extension of time with regard to their pending summary judgment motion.

I can see no reason why the defendants should be prejudiced by the plaintiff's evident loss of interest in proceeding with its action. It is clear from the facts set forth in plaintiff's counsel's December 13, 2005 letter that the plaintiff, with full knowledge that a motion for summary judgment is pending against it, has decided not to participate in the defense of its own action.

The motion schedule has already been adjourned once, at plaintiff's request, so that a settlement conference could be held first. The defendants participation in this conference in good faith and along the lines suggested at the motion conference held on 9/13/05; the plaintiff's principal did not even bother to show up and his own attorney does not believe his excuse for his failure to do so.

Dragging this case out for months in order to give the plaintiff an opportunity to correct what is, in effect, an indefensible default is extremely unfair to the defendants and for this reason I object to any further extension of time to respond to the defendant's motion.

Very truly yours,

ROBERT D. BECKER

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